

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	WT Docket 02-55
)	
Improving Public Safety Communications)	
in the 800 MHz Band)	

Comments of the City and County of San Diego

The City of San Diego (CITY) and the County of San Diego (COUNTY) hereby file these comments regarding the supplemental filing by the Region 5 800 MHz Planning Committee dated November 11, 2004.

Public Safety agencies in the San Diego area use the COUNTY's 800 MHz San Diego-Imperial County Regional Communications System (RCS) Network and the CITY's 800 MHz Radio Network to meet mission-critical communications needs. These two networks operate within an area sharing a border with Mexico to the south, and Orange and Riverside counties to the north. The general area is part of the most populated and congested area of the country.

Due to the unique Mexican border issues discussed in previous filings, the CITY and the COUNTY have worked cooperatively with Nextel, and APCO Region 5 to develop a reasonable solution to the challenges presented in rebanding the Mexican border area. This cooperation has resulted in the exchange of many ideas; some of which have been presented in the recent Region 5 filing. The CITY and COUNTY support the

recommendations made by the Region 5 Committee and present the following additional recommendations to the Region 5 discussion.

Re-negotiation of the Bi-lateral Agreement

As stated in the Region 5 filing, before the border counties can be rebanded per this docket, a new border 800 MHz sharing agreement must be negotiated with Mexico. The CITY and COUNTY agree that NPSPAC channels must be consistent in border and non-border areas of the region, and that there must be enough spectrum available to complete the rebanding without any public safety agency receiving fewer channels than currently licensed today.

Channel Offsets

The Mexican border area currently uses channels 12.5 KHz offset from non-border areas. This offset has been difficult to manage under current rules requiring offset frequencies to be treated as co-channel. Although we feel that removal of this offset would have advantages, removal would also have a significant impact in the San Diego area by requiring many additional channels to satisfy what has been accomplished by short spacing the current 12.5 KHz offset channels.

The current offset of channel assignments in the Mexican border area allows higher density use of channels in the space between channels assigned in areas to the north. The CITY and COUNTY agree with Region 5 that Section 90.621(b)(7) of the FCC's Rules, which limits the coordination of offset channels, should be changed to reflect the extra interference protection provided by channel offset. We also agree with Region 5's discussion that concurrence from a co-channel user should be conditioned on the applicant's agreement to mitigate harmful interference to an existing user; replacing

the current requirement to accept any interference that results from close spacing. This change would provide a licensee with the protection needed to allow for the highest efficiency in spectrum re-use and remove the disincentive to existing licensees to grant concurrence.

Santiago Peak

Current rules allow use of 1000W ERP on Santiago Peak¹ in Orange County, California. This practice results in an interference contour that covers most of San Diego County. Thus, for every channel licensed for 1000W ERP on Santiago Peak, two offset channels are unusable in the Mexican border area. Given the frequency congestion in Southern California, the practice of using this exceptionally high power on Santiago and the other peaks in Southern California should end. We recommend that licenses for use on Santiago Peak be subject to lower ERP limits to provide the ability to re-use these frequencies at locations closer than the current 105-mile radius. It would be wise to extend this to other peaks that now can use high ERP in Southern California.

ESMR Allocation

The Commission's objective to provide Public Safety with additional spectrum has been addressed in non-border areas. This spectrum is provided in part by the allocation of an additional 1+1MHz of spectrum between 816/861 and 817/862 MHz. In many areas, additional channels have been allocated to public safety by the reduction of channels held by Nextel after rebanding.

The Mexican border area has existed for many years with a channel allocation equal to half that of non-border areas due to the current sharing agreement with Mexico.

¹ See Section 90.621(b)(1)

This limitation has been endured by all parties using the 800 MHz band and has put extreme limitations on those parties, including public safety and Nextel.

The ESMR allocation in non-border areas has been set at 7+7 MHz of the rebanded 800 MHz plan². It is our recommendation that the Commission adopt a plan in the Mexican border area that allocates ESMR half the spectrum allocated in non-border areas. This 3.5+3.5 MHz ESMR allocation from 820.5/865.5 to 824/869 MHz would continue the practice of providing half of the non-border allocation to the Mexican border area and would provide additional channels for allocation to Public Safety. Mexico would then be allocated the spectrum between 816/861 and 820.5/865.5 MHz.

With the high use of Mexican channels by Nextel in the San Diego area, the allocation between 816/861 and 817/862 MHz, considered guard band in non-border areas, should not be allowed for use by ESMR in the Mexican border region. This restriction would provide the guard band required between ESMR and other users in the Mexican border region and insure that the same interference suffered today is not re-created in this new plan.

Public Safety Allocation

The recent supplemental filing by the Region 5 Planning Committee contained a band plan with detailed allocations of channels in an interleaved portion of spectrum between 811/856 MHz and 816/861 MHz. In this plan Public Safety is allocated a total of 54 channels in the 800 MHz band. The current allocation in this portion of the band is 54 channels to Public Safety but an additional 30 Public Safety channels are currently allocated between 816/861 and 821/866 MHz. The re-allocation of these 30 additional channels was not addressed in the Region 5 filing.

² See FCC 04-168 Section III.C at ¶23.

The 84 channels allocated to Public Safety have proven to be insufficient in meeting the needs of Public Safety agencies in the San Diego/Imperial border region and other channels are being used to attempt to meet the significant demand. The new bandplan for the Mexican border area must take this problem into account and provide additional channels for Public Safety use.

The new Mexican border area bandplan should remove specific allocations of channels to SMR, Business, ILT, and Public Safety, and allow the most flexible and most efficient use of channels in the US allocation, limiting these licensees only to the use of similar network technologies.

Mexico channel allocation

The bandplan proposed by the Region 5 Planning Committee shows the block of spectrum between 811/856 and 816/861 MHz with channels interleaved to provide Mexico with 60 additional channels. Even with the changes to this plan proposed above, Mexico would still need 40 of these channels to receive half the total spectrum. We suggest the FCC direct that 800 MHz bi-lateral negotiations for the San Diego County area negotiate those channels for US use. If this is not accomplished, then additional channels will have to be identified for Public Safety in the San Diego area to insure that

there is not a loss of current capacity and existing licensed bandwidth, while including some potential for growth for Public Safety systems in the 800 MHz frequency band.

Respectfully submitted,

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